

A/F/1700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
R : Appeal to the Board of Patent Appeals and Interferences

**PATENT  
APPLICATION**

In re PATENT APPLICATION of

Inventor(s): Esch et al.

Appln. No.: 08

Series Code ↑

870,591

Serial No. ↑

Group Art Unit: 1754

Examiner.: Hendrickson, S.

Atty. Dkt. P 238397

M#

93200 FH

Client Ref

Filed: June 6, 1997

Title: Precipitated silica

Hon. Commissioner of Patents  
Washington, D.C. 20231



Date: January 15, 2003

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JAN 21 2003

#48110  
1/21/03  
TC 1700

Sir:

1.  **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision (not Advisory Action) dated September 16, 2002 of the Examiner twice/finally rejecting claim(s) in this application or in this application and its parent application.
2.  **BRIEF** on appeal in this application attached in triplicate (extendable up to 5 months).
3.  An ORAL HEARING is respectfully requested under Rule 194 (due two months after Examiner's Answer-unextendable).
4.  Reply Brief is attached in triplicate (due two months after Examiner's Answer - unextendable).
5.  "Small entity" statement filed:  herewith.  previously.
6.  Fee NOT required because paid in prior appeal in which the Board of Patent Appeals and Interferences did not render a decision on the merits (35 USC 134).

**7. FEE CALCULATION**

	Large/Small Entity	Fee Code
If box 1 above is X'd, .....	enter	\$320/160
If box 2 above is X'd, .....	enter	\$320/160
If box 3 above is X'd, .....	enter	\$280/140
If box 4 above is X'd, .....	enter nothing	- 0 - (no fee)
<b>8. Original due date:</b> December 16, 2002		
9. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached.	(1 mo) \$110/\$55 (2 mos) \$410/\$205 (3 mos) \$930/\$465 (4 mos) \$1,450/\$725 (Usable only if box 2 is X'd--- 5 mos) \$1,970/\$985	+ \$110
10. Enter any previous extension fee paid <input type="checkbox"/> previously since above Original due date (item 8); <input type="checkbox"/> with concurrently filed amendment.....	-\$0	
11. <b>Subtract line 10 from line 9 and enter: Total Extension Fee</b>		+\$110
12.	<b>TOTAL FEE =</b>	\$430
		<b>PLEASE CHARGE OUR DEP. ACCT.</b>

(Our Deposit Account No. 03-3975)

(Our Order No. 21123 | 238397  
C# | M#)

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

**Pillsbury Winthrop LLP  
Intellectual Property Group**

By: Atty: Richard A. Steinberg Reg. No. 26588

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Atty/Sec: RAS/AMX

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments